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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,651	12/22/2000	Glenn D. Kirwin	CF/013	1536
1473	7590	02/10/2006	EXAMINER	
FISH & NEAVE IP GROUP			KYLE, CHARLES R	
ROPES & GRAY LLP			ART UNIT	
1251 AVENUE OF THE AMERICAS FL C3			PAPER NUMBER	
NEW YORK, NY 10020-1105			3624	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/745,651

Applicant(s)

KIRWIN ET AL

Examiner

Charles Kyle

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 22 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 6, 8-15, 17, 19-22, 24, 26-32 and 37-62 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6, 8-15, 17, 19-22, 24, 26-32 and 37-62 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                         |                                                                             |
|-----------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____                                                |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____                                                             | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-8, 10-11, 13-20, 22-26, 28-29, 31-32, 37-38, 40-42, 44-45, 47-49, 50-52, 54, 56, 58-59, and 61-62** are rejected under 35 U.S.C. 103(a) as being unpatentable over USPN 6,014,643 *Minton* in view of EP 0 665 489 A2 *Robertson et al* and further in view of US 5,787,402 *Potter*.

**As to Claim 1**, *Minton* discloses the invention substantially as claimed, including in a method of submitting a trading command in an electronic trading system, the steps of:

Receiving a submission of a buy command from a trader via a trading command entry interface (Col. 9, lines 18-24; “Buy” command, Fig. 4, ele. 418);

Presenting an interactive trading interface in response to the submission (Col. 10, lines 55-57) the interactive trading interface being displayed in response to (Col. 10, lines 54-57) the buy command (Col. 10, lines 57-67, “Confirmation” of “Buy” command entered at Fig. 4; Fig. 6, ele. 620, 622, 624);

Positioning a pointing device pointer (Col. 6, lines 1-9; Fig 2.) over a button in the interactive trading interface corresponding to submission (Col. 11, lines 48-51);

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Receiving a selection from the trader to confirm the submission via the interactive trading interface (Col. 12, lines 39-49; Col. 10, line 54 to Col. 11, line 51, particularly Col. 11, lines 48-51; Fig. 6, ele. 606; see also comparable references to Fig. 7); and

Submitting the submission in response to the selection by the trader (Col. 11, lines 48-51).

*Minton* does not specifically disclose automatic repositioning of the pointing device pointer over a button. *Robertson* discloses this feature at Abstract and Col. 1, line 35 to Col. 2, line 29. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the trading method of *Minton* with the addition of the automatic positioning feature of *Robertson* because this would have avoided additional manipulation of the pointing device. This advantage is specifically disclosed by *Robertson* at Col. 9, lines 53-57 and quoted below:

*The system improves the efficiency of operation and enhances the functionality of cursor movement by positioning the cursor at a location that permits the user to perform additional functions without additional manipulation of the cursor control device 18.*

*Minton* further discloses an interface to confirm a submission (Fig. 6, ele. 606) that is presented in response to a submission of a buy, command from a trader via the trading command entry interface (Col. 10, lines 54-67; Fig. 4, ele. 418; Col. 10, lines 53-67).

*Minton* does not specifically disclose Applicant's newly claimed limitation whereby the same interactive interface is used to to submit and confirm the buy command. *Potter* discloses this limitation at Figs. 15-17 and Col. 8, lines 19-28. Note that the command is placed using the "Trade" button and then confirmed with an affirmative response to the question in the message

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box by using the *same* "Trade" button on the *same* interface. It would have been obvious to one of ordinary skill in that art at the time of the invention to modify *Minton* with this limitation of *Potter* because this would provide a standardized and immediately available interface for the confirmation of trades.

**Concerning Claim 2**, *Minton* further discloses displaying current bid and offer data in the trading command entry interface at Fig. 4. At Fig. 6, elements 620, 622 and 624 and Fig. 7, elements 720, 722 and 724, *Minton* discloses pieces of bid and offer data via the trading; these are received *via* the trading command entry interface in the sense that Figs. 6 and 7 are reached *via* Fig. 4. It would have been obvious to one of ordinary skill in the art at the time the invention was made to receive a selection of a piece of bid and offer data as a submission of an order because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

**As to Claim 4**, *Minton* discloses bids/limit orders; these are specifically disclosed at Fig. 6, element 622. Submitting a bid as selection of this field would have been obvious because this would have realized the improved efficiency of reduced pointing device movement cited in the paragraph quoted above.

**With respect to Claims 6**, see the discussion of Claim 4 and note that *Minton* discloses buy and sell commands as market orders at Col. 9, lines 31-36.

**Concerning Claim 8**, see the discussion of Claim 2 and note that *Minton* discloses the elements of a market cell at Fig. 4.

**With respect to Claims 10 and 11,** *Minton* discloses data and entry windows as Fig. 4. For entry features see Fig. 4, elements 418 and 426.

**With respect to Claim 13,** *Minton* discloses the use of a keyboard at Col. 3, line 65 to Col. 4, line 29. Further, Official Notice is taken that it was old and well known to use a command line interface for trading at the time of the invention. For example, prior to graphical user interfaces, command lines were the only screen interface available. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a command line interface in *Minton* because this would provide a familiar and quick means for trading command entry.

**Concerning Claim 14,** *Minton* discloses use of a pointing device for submission of at least a buy command at Fig. 4, ele. 418.

**As to Claims 15 and 17,** *Minton* discloses the buttons recited as set forth above. It would have been obvious to one of ordinary skill in the art at the time the invention was made to automatically reposition a device pointer as disclosed by *Robertson* so as to allow for immediate selection of the button without requiring device movement.

**As to Claim 19,** see the discussion of Claim 1 above. *Minton* further discloses first and second trading interfaces at Figs. 4, 6 and 7 and related text. See also *Robertson* at Abstract, where first and second interfaces are disclosed.

**Concerning Claims 20, 22, 24 and 26,** see the discussions of Claim 19 and comparable Claims above.

**As to Claim 28-29,** see the discussion of Claim 19 and Claims 10-11.

**Concerning Claims 31-32,** see the discussions of Claim 19 and Claims 13-14.

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**As to Claims 37-38**, see the discussion of Claims 1 and 2 and note that *Minton* discloses offer/sell aspects comparable to the bid/buy aspects discussed above. See Col. 9, lines 25-30; “Sell” command, Fig. 4, ele. 422.

**With respect to Claims 40-42**, see the discussion of Claim 38 and Claims 4, 6 and 8.

**With respect to Claims 44-45**, see the discussion of Claim 38 and Claims 10-11.

**With respect to Claims 47-49**, see the discussion of Claim 38 and 37 and Claims 13-15.

**With respect to Claim 50**, see the discussion of Claim 37 and Claim 17.

**With respect to Claims 51-52**, see the discussion of Claim 19 and Claim 20.

**With respect to Claims 54**, see the discussion of Claim 51 and Claim 22.

**With respect to Claim 56**, see the discussion of Claim 52 and Claim 26.

**With respect to Claims 58-59**, see the discussion of Claim 52 and Claims 28-29.

**With respect to Claims 61-62**, see the discussion of Claim 51 and Claims 31-32.

**Claims 3, 21, 39 and 53** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of US 6,247,000 *Hawkins et al* and further in view of US 5,787,402 *Potter*.

**With respect to Claim 3**, see the discussion of Claim 2. *Minton* does not specifically disclose coloring fields in a trading interface. *Hawkins* discloses this limitation at Fig. 19 and Col. 20, lines 25-37. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify *Minton* with the coloring of trading information of *Hawkins* because this would provide additional status information for orders and expedite processing by traders.

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**Concerning Claim 21, 39 and 53**, see the discussion of Claim 3 and the respective Claims from which each Claim depends.

**Claims 9, 12, 27, 30, 43, 46, 57 and 60** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Minton* and *Robertson et al* as set forth above, and further in view of *Harrington et al*.

**With respect to Claim 9**, see the discussions set forth above. *Minton* does not specifically disclose bid and offer data in the form of a spreadsheet. *Harrington* discloses this feature for securities trading at Col. 9, lines 4-11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the spreadsheet presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an inexpensive and flexible way to present such data.

**Concerning Claim 12**, see the discussion of Claim 9 and *Harrington* further discloses use of web pages at Col. 6, lines 37-65 and Fig. 11. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the web page presentation of data disclosed by *Harrington* in combination with *Minton* because this would have provided an widely accessible way to present such data.

**As to Claims 27, 30, 43, 46, 57 and 60** see the discussion of the claim from which each depends and the discussion of Claims 9 and 12 above.



***Response to Arguments***

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles Kyle whose telephone number is (571) 272-6746. The examiner can normally be reached on 6:30 to 3:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

crk  
February 3, 2006

**Primary Examiner**  
**Charles Kyle**  
**AU 3624**

A handwritten signature in cursive script, appearing to read "Charles Kyle", written in black ink.